

REMARKS

The applicant thanks the Examiner and the Examiner's supervisor for the courtesy extended to us during the in-person interview of May 6, 2005. During the course of said interview, the Examiner suggested putting equations from the Specification corresponding to prior Step c of Claim 1 in to current Step c of Claim 1. Applicant has done so in the instant preliminary amendment. Support is found on pages 16 – 21 of the Specification.

Regarding the indefiniteness of Step d of Claim 1, applicant explained that "committing said Coverage Provider to pay" is related to the active step of the Coverage Provider making a commitment to provide Survival Risk insurance to the Coverage Recipient. Examiner agreed that the Applicant's explanation was sufficient to clarify the meaning of Step d and hence overcome the 112 rejection.

The Examiner stated that she would reconsider the application of Ross as prior art in light of any newly submitted amendments/arguments.

Agreement was reached that Claim 1, if amended to include said equations, appeared to be in better form for allowance.

Applicant notes the interview summary document incorrectly indicates that said interview was telephonic. Applicant respectfully requests that said summary document be amended to reflect the fact that said interview was in-person.

***Amended Claim 1***

Step c of prior Claim 1 has been amended. The prior verbal description of the minimum value of the single premium calculated by Step c has been replaced by the corresponding equations found on lines 3, 4, 5, 6 and 8 of page 21 of the Specification. The definitions of the terms used in said equations are taken from the corresponding definitions provided on pages 18 to 20 of the Specification. Examples 1-6 of the Specification demonstrates how to calculate SPR using said equations.

***Deleted Claims***

Applicant has deleted prior Claim 3 without prejudice.

***Claim Rejections – 35 USC 112***

In the office action mailed April 1, 2005, the Examiner rejected prior Claim 1 under 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner had asserted that the following phrases found in prior Step c of Claim 1 either lacked antecedent basis or were unclear:

- “the discounted survival risk benefits”;
- “the present value”;
- the expected death benefits “of the survivors”; and
- “the present value as of said beginning date”.

The applicant has amended Step c of Claim 1 to remove all of said phrases.

Hence the rejections based on a lack antecedent basis or lack of clarity are moot.

The Examiner further asserted that the phrase “committing said Coverage Provider to pay” found in Step d of Claim 1 was unclear. During the above referenced interview, the applicant pointed out to the Examiner that Claim 1 was directed to a method for providing Survival Risk Insurance. Step d recited the active step of the Coverage Provider making a commitment to pay a first benefit to said Coverage Recipient as part of providing survival risk insurance to said Coverage Recipient. The Examiner agreed that Step d in its current form was therefore clear.

Hence current Claim 1 cannot be rejected under 35 USC 112.

***Claim Rejection – 35 USC 102***

The Examiner has rejected prior Claim 1 and prior dependent Claims 2 to 9 under 35 USC 102(b) as being anticipated by Ross (5,974,390).

Applicant has amended current Claim 1 to recite a series of equations to be used in calculating a lower limit for a suitable premium for Survival Risk insurance. Neither said equations nor their equivalents are found in Ross. Nor does Ross provide any guidance for obtaining said equations. Hence current Claim 1 cannot be rejected under 35 UCS 102 as being anticipated by Ross.

The applicant has made a diligent effort to place the Claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mark Nowotarski, Applicants' Agent at 203 975 7678 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

May 20, 2005

Date



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Title: Method of Calculating Premium Payment to Cover the Risk Attributable to Insureds Surviving a Specified Period.  
Agent: Mark Nowotarski, Reg. No. 47,828  
Docket: LPD092603USNP